

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
MDL No. 05-1726(JMR/AJB)

In re: Medtronic, Inc.,)	
Implantable Defibrillators)	
Product Liability Litigation)	ORDER FOR SUGGESTION
)	OF REMAND
As to all cases)	

On December 7, 2005, the Judicial Panel on Multidistrict Litigation ("JPML") issued its initial Transfer Order establishing In Re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation, MDL No. 05-1726 (JMR/AJB) ("MDL 1726") in this Court. The JPML created MDL 1726 because "centralization . . . [would] serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation." The JPML subsequently transferred numerous additional cases to MDL 1726 for the purposes of coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407.

MDL 1726 has proceeded with core coordinated discovery having been conducted by both parties, with motion practice, and with the work up of Bellwether cases for trial in early 2008. In the midst of these proceedings, the parties entered settlement negotiations with the assistance of this Court that culminated in a settlement agreement of claims on a case-by-case basis as the claimant chose. Now, having had an opportunity to review the terms and conditions of the settlement, Medtronic, and virtually all of the MDL Plaintiffs (hereinafter referred to as the "Settling Plaintiffs")

have agreed to compromise and conclude the MDL and resolve most of the related cases and claims. No party has admitted liability for, or the validity of, any claims or defenses asserted in, or related to, the MDL in compromising claims or suggesting remand. The Plaintiffs' Steering Committee (the "PSC"), Settling Plaintiffs, and Defendant Medtronic have agreed that dissolution of MDL 1726 is in the best interests of the parties, and have requested such dissolution as part of their Settlement.

Only a limited number of Plaintiffs have decided not to compromise and settle their cases or claims. These cases and claims are included on the list titled, "Claimants Rejecting Settlement - Cases Filed in other Federal Jurisdictions," a copy of which is attached to this Order as Schedule A.

Given the limited number of cases left before it, and the procedural posture of the litigation, this Court finds that this MDL has fulfilled the objectives set forth in 28 U.S.C. § 1407, and dissolution of this MDL will serve the interests of the parties, judicial economy, and convenience at this time.

Therefore, this Court suggests that this MDL is functionally concluded, and that the cases identified on the attached Schedule A be remanded by the JPML to their respective transferor District Courts.

Further, IT IS ORDERED that:

1. The Clerk of this Court is directed to file a copy of this Order in each of the cases identified on the attached Schedule A.

2. The Clerk of this Court shall provide a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation.

3. Upon entry of a Remand Order by the JPML, and expiration of all appeals and potential appeals, the parties shall jointly prepare a stipulation to this Court designating the portions of this MDL Court's record that shall be remanded to the transferor District Courts.

Dated: January 28, 2008

s/James M. Rosenbaum
JAMES M. ROSENBAUM
United States Chief District Judge

SCHEDULE A

Schedule A
Claimants Rejecting Settlement -
Cases Filed in Other Federal Jurisdictions

<i>Caption</i>	<i>MDL No.</i>	<i>Orig No.</i>	<i>Orig Juris</i>
Cummings v. Medtronic	06-2893 (JMR/AJB)	06-109 (WAP/IAD)	N.D. Miss.
Falls o/b/o Estate of Marion Falls v. Medtronic	06-2877 (JMR/AJB)	06-10 (SWW)	E.D. Ark.
LoFiego o/b/o Estate of James LoFiego v. Medtronic	06-1808 (JMR/AJB)	06-152 (RCC)	S. D. W. Va.
Malone v. Medtronic	07-3693 (JMR/AJB)	07-813 (NFA)	S.D. Tex.
Tannenbaum v. Medtronic	06-2539 (JMR/AJB)	06-23 (LAK)	S.D. N.Y.